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9 UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 AMERICAN FEDERATION OF
13 GOVERNMENT EMPLOYEES, AFL-CIO,
14 et al.,

15 Plaintiffs,

16 v.

17 DONALD J. TRUMP, in his official capacity
18 as President of the United States, et al.,

19 Defendants.
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Case No. 3:25-cv-03698-SI

**[PROPOSED] ORDER GRANTING
PRELIMINARY INJUNCTION**

1 Plaintiffs' motion for a preliminary injunction came before this Court for consideration on
2 May 22, 2025. Upon consideration, and for good cause shown, IT IS HEREBY ORDERED that the
3 Motion is GRANTED.

4 The Court finds that Plaintiffs have demonstrated a likelihood of success on the merits of their
5 claims, a likelihood of irreparable harm in the absence of injunctive relief, that the balance of equities
6 tips in their favor, and that a preliminary injunction is in the public interest. In support of this Order,
7 the Court makes the following findings:

- 8 • On February 11, 2025, President Trump issued his Workforce Executive Order No. 14210 to
9 "commence a critical transformation of the Federal bureaucracy" and directed all federal
10 agencies to "eliminat[e] waste, bloat, and insularity" by immediately engaging in mandatory
11 "large-scale reductions-in-force (RIFs)" in furtherance of "reorganization" of the government.
12 *See* 90 Fed. Reg. 9669 (Feb. 11, 2025). Among other things, the Executive Order also directs
13 federal agencies to eliminate all "agency initiatives, components, or operations that my
14 Administration suspends or closes." *Id.*
- 15 • The Plaintiffs are likely to prevail on their claim that the Executive Order is *ultra vires* and
16 exceeds President Trump's authority; that no provision of the Constitution grants the President
17 the power to order federal agencies to engage in large-scale reductions in force under his
18 ordered parameters, to reorganize or consolidate programs, offices, and functions between and
19 within agencies, or to otherwise restructure the federal government; and that Congress has not
20 delegated to the President the authority to do so by statute.
- 21 • On February 26, 2025, Defendants Office of Management and Budget ("OMB") and Office of
22 Personnel Management ("OPM") issued a Memorandum to all federal agencies directing
23 compliance with the Executive Order. *See* OMB/OPM Memorandum re: Guidance on
24 Agency RIF and Reorganization Plans Requested by Implementing The President's
25 "Department of Government Efficiency" Workforce Optimization Initiative (Feb. 26, 2025).
26 The Memorandum requires agencies to submit to OMB and OPM for approval under
27 unreasonable timeframes, and to implement according to specific instructions and
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1 requirements, Agency RIF and Reorganization Plans (“ARRPs”) for large-scale RIFs and
2 closure of agency programs. *See id.* Defendant Department of Government Efficiency
3 (“DOGE”) is imposing and enforcing directives to agencies to cut staff, programs, and offices
4 in furtherance of the Executive Order, the OMB/OPM Memorandum, and as part of these
5 ARRPs.

- 6 • Plaintiffs are likely to prevail on their claims that the actions by OPM, OMB, and DOGE
7 implementing Executive Order 14210 exceed those agencies’ authority and are ultra vires; and
8 that OPM’s, OMB’s, and DOGE’s actions also violate the Administrative Procedure Act
9 (“APA”) because they exceed authority and are arbitrary and capricious; and OPM and OMB
10 failed to comply with notice-and-comment rulemaking.
- 11 • Defendants AmeriCorps, Department of Agriculture, Department of Commerce, Department
12 of Energy, Environmental Protection Agency, General Services Agency, Department of Health
13 and Human Services, Department of Housing and Urban Development, Department of
14 Interior, Department of Labor, National Labor Relations Board, National Science Foundation,
15 Peace Corps, Small Business Association, Social Security Administration, Department of
16 State, Department of Transportation, Department of Treasury, and Department of Veteran
17 Affairs and their agency heads named in their official capacities as Defendants in this lawsuit
18 (“Federal Agency Defendants”) are implementing the Executive Order pursuant to OMB and
19 OPM’s Memorandum, including through ARRPs that include, among other things, large-scale
20 RIFs.
- 21 • Plaintiffs are likely to succeed on their claims that Federal Agency Defendants’
22 implementation of Executive Order 14210 is arbitrary and capricious, because by relying on
23 the President’s, OPM and OMB’s, and DOGE’s orders to create and implement ARRPs in
24 service of reorganizing and downsizing the entire federal government, including but not
25 limited to by executing large-scale RIFs, dismantling agency programs, offices, and functions,
26 and transferring functions between agencies, the agencies have abused any discretion afforded
27 them by Congress; have foregone decision-making entirely by following the President, OMB,
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OPM, and DOGE orders, have failed to consider important aspects of the problem and all relevant factors, have failed to provide any reasoned explanation for their actions, have reversed positions without explanation, and have otherwise failed to engage in reasoned decision-making.

- Plaintiffs have demonstrated that Defendants’ challenged actions have caused and will continue to cause irreparable injury in the form of, *inter alia*, violation of constitutional separation of powers mandates; harm to federal, state, local, and private employees who are members of and/or represented by Plaintiffs, including the imminent loss of jobs and employer-provided health insurance coverage; adverse impacts on the members of plaintiff non-profit organizations, cities, and counties due to the loss of government services on which they rely; injury to the labor unions and other plaintiff organizations that have been forced to divert resources to aid their members and obtain information in the face of many Defendant Agencies’ lack of transparency as to current plans for these ARRP; and deprivation of all Plaintiffs’ opportunity to provide comments through notice-and-comment rulemaking.
- The balance of equities and public interest strongly favor injunctive relief, particularly in light of the imminent harm to federal employees and government services caused by impending terminations of tens of thousands of federal employees and other actions taken to implement the ARRP.

This Court has subject matter jurisdiction to hear Plaintiffs’ claims, including because Plaintiffs have demonstrated Article III standing and because Congress has not required that Plaintiffs’ claims be initially adjudicated by any administrative agency prior to this Court’s exercise of jurisdiction pursuant to 28 U.S.C. §1331.

Accordingly, pursuant to this Court’s authority including but not limited to authority to “issue all necessary and appropriate process to postpone the effective date of an agency action or to preserve status or rights” (5 U.S.C. §705), IT IS HEREBY ORDERED as follows:

1. Defendants OMB, OPM, DOGE, and Federal Agency Defendants, as well as their officers, agents, servants, employees, and attorneys, and all persons acting by, through, under, or in

1 concert with these Defendants, are hereby enjoined, ordered, and/or stayed from taking any action to
 2 implement or enforce Sections 3(c) and (e) of Executive Order 14210, 90 Fed. Reg. 9669 (Feb. 11,
 3 2025) or the OMB/OPM Memorandum re: Guidance on Agency RIF and Reorganization Plans
 4 Requested by Implementing The Presidents “Department of Government Efficiency” Workforce
 5 Optimization Initiative (Feb. 26, 2025), including but not limited to:

6 (a) any further OMB or OPM action to implement Sections 3(c) and (e) of Executive Order
 7 14210 or the February 26, 2025 OMB/OPM Memorandum, including but not limited to approval or
 8 disapproval of any federal agency’s Agency RIF and Reorganization Plans (“ARRPs”), whether
 9 express or implied, formal or informal;

10 (b) any further orders, directives, or commands by DOGE to any federal agency to eliminate
 11 programs, functions, or staff in conjunction with implementing Executive Order 14210, the
 12 OMB/OPM Memorandum, or ARRPs, whether express or implied, formal or informal;

13 (c) any further implementation of Executive Order 14120, the OMB/OPM Memorandum, or
 14 ARRPs by Federal Agency Defendants, including but not limited to any of the following actions to
 15 the extent taken to implement Executive Order 14210 and/or the OMB/OPM Memorandum:

- 16 i. elimination or consolidation of programs or functions;
- 17 ii. transfer of functions or programs between any Federal Agency Defendants or to/from
- 18 any other federal agency;
- 19 iii. execution of any existing reduction in force (“RIF”) notices including final separation
- 20 of employees,
- 21 iv. issuance of any further RIF notices, and
- 22 v. placement of employees on administrative leave.

23 2. Defendant DOGE as well as its officers, agents, servants, employees, and attorneys,
 24 and all persons acting by, through, under, or in concert with it, is hereby enjoined, ordered, and/or
 25 stayed to rescind and/or take no further action to enforce any prior orders, directives, or commands to
 26 Federal Agency Defendants regarding any aspect of ARRPs, including but not limited to RIFs or
 27 amounts of staff to cut (whether communicated by way of target numbers of employees, positions, or
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1 amounts of spending) or programs, functions, and offices to cut;

2 3. Federal Agency Defendants as well as their officers, agents, servants, employees, and
 3 attorneys, and all persons acting by, through, under, or in concert with these Defendants, are hereby
 4 enjoined, ordered, and/or stayed to rescind and/or take no further action to enforce any prior action
 5 taken to implement Executive Order 14210 and/or the OMB/OPM Memorandum and/or the ARRsPs,
 6 including but not limited to rescinding any RIFs issued to effectuate Executive Order 14210;
 7 restoring offices, programs, and functions previously eliminated to effectuate Executive Order 14210;
 8 and transferring any federal employees previously moved into administrative leave status to
 9 effectuate Executive Order 14210 back to the status they held prior to implementation of the
 10 Executive Order;

11 It is further ORDERED that by no later than _____, 2025, Defendants shall
 12 provide to Plaintiffs and the Court a proposed compliance plan that, at a minimum, identifies and
 13 describes all actions previously taken to implement the EO, the OMB/OPM Memo or any DOGE
 14 orders or ARRP to implement the EO or OMB/OPM Memo at each covered agency and details the
 15 specific proposed steps for implementation of this Court's orders; Plaintiffs shall review and respond
 16 with any objections or concerns; and by no later than _____, 2025, the parties shall
 17 jointly submit an agreed upon plan for implementation of these orders, or, if agreement cannot be
 18 reached in whole or part, Defendants shall submit their proposal as previously provided to Plaintiffs,
 19 and Plaintiffs shall submit their objections thereto.

20 This Order does not supersede any reporting or compliance required by any other order of this
 21 Court.

22 IT IS SO ORDERED.

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 24 Dated: _____, 2025

 The Honorable Susan Illston
 United States District Court Judge